

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

New York

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Heidi Everts, individually and as Executrix  
of the Estate of Timothy Everts

**JUDGMENT IN A CIVIL CASE**

V.

Altec Industries, Inc.

Case Number: 5:01-cv-383

V.

Niagara Mohawk Power Corp.

x **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

G **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the jury finds no cause for action as to the Plaintiff's remaining claims against Altec Industries for strict liability, negligence based upon design defect and upon failure to warn.

All of the above pursuant to a jury verdict rendered before the Hon. Frederick J. Scullin, Jr. on January 7, 2005.

January 12, 2005

Date

Lawrence K. Baerman

Clerk

(By) Deputy Clerk

s/Barbara J Woodford